GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Annual Performance Appraisal Reports – Annual Performance Appraisal Report in respect of Sri Manish Kumar Sinha, IPS (RR:2000) for the year 2021-22 (from 01.04.2021 to 18.02.2022) – Representation to declare all the entries and grading made by Reporting Authority as ab initio null and void and expunge from the APAR – Orders – Issued.

GENERAL ADMINISTRATION (SC.E) DEPARTMENT

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G.O. Rt. No. 200 dated 30-01-2023

Read the following:-

1) Representation of Sri Manish Kumar Sinha, IPS (RR:2000), dated 16.12.2022.
2) Remarks of Sri D. Gautam Sawang, IPS (Retired), dated 31.12.2022.
3) Letter No. GAD01-PERS0PAR(IPS)/1/2023-SC.E, General Administration (SC.E) Department, dated 06.01.2023.
4) From Dr. Sameer Sharma, IAS (1985), Chief Secretary to Government (Retired), letter dated 07.01.2023.

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ORDER:

The Annual Performance Appraisal Report for the year 2021-22 (for the period from 01.04.2021 to 18.02.2022) in respect of Sri Manish Kumar Sinha, IPS (RR:2000) was disclosed to the MOS on 29.11.2022. The Member of Service has submitted representation against the observations made with regard to his performance as Commissioner of Police and overall grading awarded by the Reporting Authority viz., Sri D. Gautam Sawang, IPS, Director General of Police on the ground that he demitted office of the Director General of Police on 18.02.2022 and recorded the Performance Appraisal Report on 31.08.2022. He was not legally competent to do so in terms of rule 7A of the AIS (PAR) Rules, 2007, as amended from time to time and requested to declare the observations and overall grading awarded by Sri D. Gautam Sawang, IPS (Retired) as ab initio null and void and to expunge them from the said Performance Appraisal Report.

In the remarks, Sri D. Gautam Sawang, IPS (Retd.) stated that he was appointed as Chairman of the Andhra Pradesh Public Service Commission and accordingly assumed charge on 19.02.2022; that, while he was in Government service as the Director General of Police (HoPF) he did not retire as per the definition and intended prescription in the rule 5 (7) of AIS (PAR) Rules, 2007. Further, the Public Service Commissions and All India Services are the two subjects and chapters which fall in the ambit of Part XIV of the Constitution of India, which deals with matters of "Services under the Union and States. He has also reiterated his observations made in the APAR regarding performance of the MOS as the Commissioner of Police, Visakhapatnam. The PAR was closed at that stage in the SPARROW application on 31.12.2022.

In the reference third read above, a reference has been made, in terms of sub-rule (4) of Rule 9 of the All India Services (Performance Appraisal Rules), 2007, to the Reviewing Authority viz., Dr. Sameer Sharma, IAS (1985), Chief Secretary to Government (Retired) for remarks / comments on the comments of the Reporting Authority. In the reference fourth read above, Dr. Sameer Sharma, IAS (1985), Chief

Secretary to Government (Retired) has furnished his comments that the Reporting Authority had recorded remarks in the APAR of the Member of Service on 31.08.2022, that is much beyond the stipulated time limit of one month from the date of demitting office prescribed under the AIS (PAR) Rules, 2007. Therefore, it is clear that Sri D. Gautam Sawang, the then Director General of Police was not legally competent to record his observations in the APAR of Sri Manish Kumar Sinha, IPS (RR:2000) on 31.08.2022. On the specific observations of the Reporting Authority on the performance of Sri Manish Kumar Sinha, IPS (RR:2000), Dr. Sameer Sharma, IAS (1985), Chief Secretary to Government (Retired) stated that he never found the MOS lacking in his abilities or effort and that he is an outstanding officer without any negative traits and concluded that he agrees with the contention of the Officer Reported Upon and recommended that all the entries and grading made by the then Director General of Police Sri D. Gautam Sawang, IPS (Retired) in the appraisal report of Sri Manish Kumar Sinha, IPS (RR:2000) for the impugned period be declared as ab initio null and void and to improve his grading to 9.75.

The Government, after taking into consideration the comments of the Officer Reported Upon, the views of the Reporting Authority and the Reviewing Authority, observed that it shall not be competent for Sri D. Gautam Sawang, IPS, who demitted the office of the Director General of Police on 18.02.2022 and assumed charge as Chairman, Andhra Pradesh Public Service Commission on 19.02.2022, to write the Performance Appraisal Report of Sri Manish Kumar Sinha, IPS (RR:2000) on 31.08.2022, in terms of Rule 7A of the AIS (PAR) Rules, 2007 and decided to accept the request of Sri Manish Kumar Sinha, IPS (RR:2000) to declare the observations and overall grading awarded by Sri D. Gautam Sawang, IPS (Retired) as ab initio null and void and to expunge them from the Annual Performance Report Appraisal for the year 2021-22 (for the period from 01.04.2021 to 18.02.2022).

Accordingly, Government, in exercise of the powers conferred by sub-rule (7B) of Rule 9 of the AIS (PAR) Rules, 2007, hereby declare the observations and overall grading awarded by Sri D. Gautam Sawang, IPS (Retired) in the Annual Performance Appraisal Report of Sri Manish Kumar Sinha, IPS (RR:2000) for the year 2021-22 (for the period from 01.04.2021 to 18.02.2022) as ab initio null and void and to expunge them from the said PAR.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To
Sri Manish Kumar Sinha, IPS (RR:2000), Chairman, APSLPRB
(through the Director General of Police, A.P., Mangalagiri)
The Director General of Police, A.P., Mangalagiri.
The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi.
Copy to:
The Personnel File of the MOS.
The General Administration (SC.C / SC.D) department.

//forwarded: by order//

SECTION OFFICER (SC)